

DWIGHT SULLIVAN §
v. § CIVIL ACTION NO. 5:08cv168
STEPHANIE DeRAMCY, ET AL. §

The Plaintiff Dwight Sullivan, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Sullivan raised various discrete issues in his complaint, including allegations of physical assaults on three separate occasions, destruction of mail, theft of property, retaliation, falsified disciplinary cases, and an improper investigation of a grievance. The Magistrate Judge ordered the Defendants to answer the lawsuit, and the parties filed motions for summary judgment and responses.

After review of the pleadings and summary judgment evidence, the Magistrate Judge recommended that the Defendants' motion for summary judgment be granted and that the lawsuit be dismissed. Sullivan filed objections, but these were overruled and the lawsuit was dismissed on June 9, 2010.

On July 13, 2010, Sullivan filed a motion to alter or amend the judgment. This motion was signed on July 2, file-stamped on July 12, and entered on the docket on July 13. In his motion,

Sullivan complained that he has been retaliated by supervisors against whom he filed grievances, that Ricky Judd should not be entitled to qualified immunity, that a disciplinary case written by Lori Price was fabricated, that DeRamcy perjured herself, and that he, Sullivan, did not have “a full and equal discovery process.”

The Magistrate Judge has issued a Report recommending that the motion for relief from judgment be denied. The Magistrate Judge noted that Sullivan’s contentions consisted of general conclusions and speculations, and that Sullivan failed to show any basis upon which to set aside the final judgment.

In his objections to this Report, Sullivan says that his objections rely on violations of his constitutional rights, and that the Court has “abused its discretion.” He says that he has been in prison since 1986 and has been in administrative segregation since 1996. Even if the supervisors were not retaliating against him, he states that they still violated clearly established laws by denying him necessities. He says that his “discourse and right to equal protection” have been infringed and that he has defeated the qualified immunity defense. Sullivan argues that his claims are meritorious and that he has not been given full discovery. He also complains that the Court failed to advise him on the proper way of bringing property claims in state court. None of Sullivan’s objections show that the Magistrate Judge erred in recommending the denial of his motion for relief from judgment.

The Court has conducted a careful *de novo* review of the pleadings in this cause, including the Plaintiff’s motion for relief from judgment, the Report of the Magistrate Judge recommending denial of this motion, and the Plaintiff’s objections thereto. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff’s objections are without merit. It is accordingly

ORDERED that the Plaintiff’s objections are overruled and that the Report of the Magistrate Judge (docket no. 81) is ADOPTED as the opinion of the District Court. It is further

ORDERED the Plaintiff's motion for relief from judgment (docket no. 80) is hereby
DENIED.

SIGNED this 6th day of January, 2011.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE